

REMARKS / ARGUMENTS

This letter is responsive to the Office Action mailed March 4, 2004.

The examiner indicated that claims 9 through 11 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Newly presented claims 17, 18 and 19 are former claims 9, 10 and 11 presented in rewritten form as required. As filed, claim 9 was, directly or indirectly, dependent upon claims 1, 2 and 3. New claim 17 thus includes all of the limitations of claims 1, 2, 3 and 9 in a single claim.

Claim 10 was dependent, directly or indirectly, from claims 1, 2, 3 and 4. Claim 10 otherwise contained language identical to that presented in claim 9. Accordingly, in newly presented claim 18, the limitation formerly set out in claim 4 has been presented when dependent upon newly presented claim 17. Thus, claim 18 effectively includes all of the limitation of claims 1, 2, 3, 4 and 9/10.

Claim 11 as originally presented was dependent upon claim 10. New claim 19 is identical to claim 11, but is now dependent upon newly presented claim 18.

In view of the examiner's indication of allowable subject matter, it is believed that claims 17, 18 and 19 are now rewritten and presented in allowable form.

The examiner rejected independent claim 1 and claims 2, 3, 4, 12, 13, 15 and 16 as being anticipated by Monk. The examiner also rejected claim 1 as being anticipated by Lee. In view of the examiner's remarks, claim 1 has been deleted from the application and a new claim 20 is presented herewith. The remaining claims 2 through 16 are dependent, directly or indirectly, from claim 20.

Claim 20 as presented now specifies that the display box includes a front panel, a bottom panel, a plurality of side panels and a removable top. The claim further specifies that the front, bottom and side panels define an open compartment for holding goods upon removal of the top.

It is submitted that the combination shipping/display box of the present application, and as more clearly defined in claim 20, is quite different from the problem and solution presented by Monk '299. In Monk '299, there is a front panel 20 and a top panel 7. In order to present the Monk box for display purposes, it is necessary that the entire front panel be removed as shown in Figure 2. When the entire front panel has been removed, then the contents set out in the dividers shown as 28 can then be slid forward, so as to be displayed in a manner projecting out of the front panel. In order to achieve the display system contemplated by Monk, there is a swing portion on the top panel 7 so that the front panel 20 can be displayed above the top portion 7 in the retail circumstances.

The carton taught by Monk is intended to be displayed in some type of presentation possibly on a shelf, where the front of the box is available to the retail customer and where the top of the box remains closed, and wherein there is sufficient room above the top of the box to not only erect the display panel as shown in figure 3, but to present that display panel in a manner where it may be seen by the consumer. The issue dealt with in the present invention is completely different. As shown in figure 1D, the box of the present invention is displayed quite differently. Firstly, when mounted at the retail shop, the top 40 of the box is removed so that the customer may select merchandise from the box through the top. The box at retail is supported by a display rack having a shelf 70 and a lip 72. The display rack as shown at figure 1D precludes the use of a carton in accordance with the teachings of Monk.

To further distinguish over Monk, newly presented claim 20 specifies that the display tab has a perforated first edge separating the display panel from the remainder

of the at least one of the bottom panel and the front panel. In Monk, the display tab is the entire front panel 20 and all of that panel must be removed, whereas in the present claim, some of the at least one panel remains.

For all of the above reasons, it is submitted that claim 20 patentably distinguishes over any teaching of Monk.

The examiner also indicated that claim 1 was anticipated by Lee. Lee provides a panel 8 and score lines defining a display panel 13. The display panel 13 is attached to the panel 8 by the score line (not numbered). When deployed from the display box as shown in figures 4 and 5, the display panel is upstanding from the panel 8. However, there is no swing portion as set out in claim 20. The display box suggested by Lee suggests the display panel 13 is erected prior to filling the box with its expected contents. Pressure is applied from the interior of the box outwardly through the aperture 16, 17 by pressing on the knock out tab 15. This can only be conveniently formed before the contents of the display box are placed within the display box. As suggested by Lee, when the contents have been packed in the box as shown in figure 8, the display panel 13 is then folded to lie inside the top as shown in figure 6.

As shown in figure 8 of Lee, the display panel appears to have the indicia where it is in a position to be read, with the display panel behind the contents of the box. This type of panel is also not viewable for the customer as the display panel would be at the rear of the shelf 70 as shown in figure 1D of the present application. On the other hand, if the box were to be turned with the upstanding display panel 13 at the portion of the box closest to the customer, then the display panel impedes easy access to selecting merchandise from the open top of the box. Thus, the swing panel as defined in claim 20 achieves the function of providing display information to the consumer, while not impeding access to the top of the box to get at the contents. The solution taught by Lee is inappropriate for a display system having a shelf 70 and 72, in association with which the present invention is particularly useful

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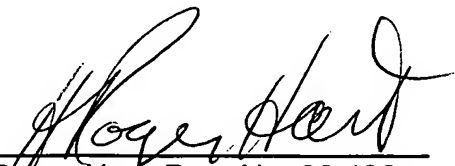
In light of all of the above, it is respectfully submitted that claim 20 patentably distinguishes over Monk and Lee, whether taken individually or in any conceivable combination. All of the remaining claims 2 through 16 are dependent, directly or indirectly, from claim 20, and the above remarks would thus apply to all those claims.

It is submitted that this application is now in condition for allowance.

In view of the number of total claims cancelled and the additional claims added and in view of the number of independent claims cancelled and added, it is believed that no additional fees are required either for independent claims or in respect of the total number of claims.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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